

Atty. Dkt. No. DALHO1340-1
(028614-1303)

REMARKS

The present invention relates to compositions for the stimulation of protection against infection by at least one pathogen. Invention compositions comprise a live oral commensal organism genetically modified so as to express at least one immunogenic fragment of the pathogen. In alternative embodiments, the oral commensal organism is genetically modified to express a plurality of immunogenic fragments, for example a plurality of the immunogenic fragments associated with the surface of the organism.

The invention further relates to methods for prophylactically treating a host against infection by a pathogen, employing the above-described compositions.

Claims 1-35 are currently pending. The present status of all claims in the application is provided in the Listing of Claims presented herein beginning on page 2.

The restriction of claims 1-35 under 35 U.S.C. § 121 is respectfully traversed. It is respectfully submitted that Groups I and II (both classified in the same class/subclass) and Groups III and IV (both classified in the same class/subclass) could readily be searched together. Moreover, as acknowledged by the Examiner, Groups III and I, and IV and II, are related as product and process of use. Accordingly, a thorough search of the process claims would, of necessity, include a search of the product claims. Thus, no savings of PTO resources would be realized by maintaining restriction as asserted.

Nonetheless, in order to be fully responsive, Applicants hereby elect the Group I claims with traverse. Non-elected claims are retained in the application pending disposition of the elected claims, and subject to possible rejoinder thereof.

The further requirement under 35 U.S.C. § 121 for election of a single disclosed species is respectfully traversed. In order to be fully responsive, Applicants hereby elect *Bordetella pertussis*. All claims read on this elected species.

Atty. Dkt. No. DALHO1340-1
(028614-1303)

In view of the above remarks, prompt and favorable action on all claims is respectfully requested. In the event any issues remain to be resolved in view of this communication, the Examiner is invited to contact the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

Respectfully submitted,

Date

11/29/04

By

SEP EL

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6711
Facsimile: (858) 792-6773

Stephen E. Reiter
Attorney for Applicant
Registration No. 31,192

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.